



Subpoenas Duces Tecum and Ad Testificandum. (Reply, ECF #9). On May 13, 2016, the Court conducted a conference call with the parties during which Respondent informed the Court that it would comply with the subpoena duces tecum within thirty days. Respondent also agreed to comply with the two subpoenas ad testificandum on a date to be set by the parties. On May 16, 2016, the Court issued an Order requiring Respondent to produce the subpoenaed documents by June 15, 2016. On June 13, 2016, Respondent filed a Motion to Extend Deadline for Production of Documents<sup>1</sup>. (Motion to Extend, ECF #12). The Region submits this Response in Opposition to the Motion.

## **II. ARGUMENT**

During the conference call, Respondent gave no indication that it would not be able to produce the documents at the Cleveland regional office by June 15th. However, on May 13<sup>th</sup> shortly after the conference call concluded, Respondent's counsel informed the Applicant's counsel that it would be unable to produce the subpoenaed documents at the Cleveland Regional office because Respondent's representative Christopher Blakely was scheduled for knee surgery on June 16, 2015. *See* Exhibit A, E-mails dated May 13<sup>th</sup> through June 13, 2016. Respondent's counsel further demanded that if the Region wanted the documents by the Court ordered deadline date, the Applicant's counsel would have to retrieve them from Toledo. *See* Exhibit A. The Region attempted to work with Respondent in light of Blakely's surgery. On May 13, 2016, the Region requested Respondent to provide additional information if production occurred in Toledo and requested Respondent to confirm dates for the subpoenaed testimony of Alex Johnson and Terry Leach on June 20, 22, 27, or 29<sup>th</sup>. Despite the Region's repeated attempts to obtain a

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<sup>1</sup> Respondent included the civil action numbers for 3:15 mc 71 and 3:16 mc 8 in the caption of its Motion. However, the Region has not received any notice from the Court that a Motion was filed in the other civil actions involving Respondent and the Region pending before this Court.

response from Respondent through follow-up e-mails on May 18, 2016, May 23, 2016, and June 1, 2016, Respondent failed to reply to the Region's original May 13<sup>th</sup> e-mail. See Exhibit A.

Then, on June 8, 2016, the Region learned for the first time about Respondent's asserted inability to comply with the Court's Order. However, Respondent failed to provide any reasons for its inability to produce the requested documents within thirty days of the Court ordered deadline. Similarly Respondent's Motion fails to provide any specificity concerning the purported "voluminous amount of documents." The Region originally requested the documents during the investigation on August 28, 2015 and Respondent cannot claim that they were unaware of the documents sought by the Region. Therefore, the Region requests this Court to deny Respondent's Motion to Extend Deadline for Production of Documents.

If the Court grants Respondent's Motion for a two-week extension, the Region respectfully request this Court to issue an Order requiring Respondent to produce Chris Blakely and the subpoenaed documents at the Cleveland Regional Office on June 29, 2016 at 10:00 a.m. The Region further requests this Court to issue an Order requiring Respondent to produce Alex Johnson on July 13, 2016 and Terry Leach on July 14, 2016 for their subpoenaed testimony at the Cleveland Regional Office at 10:00 a.m.

### **III. CONCLUSION**

For the foregoing reasons, it is respectfully requested that this Court deny Respondent's Motion for an Extension of Time and issue an Order requiring Respondent to comply with the subpoenas set forth in the Application, to produce testimony and documentary evidence in connection with the investigation before a representative of General Counsel at its Region 8 office, and to give testimony and answer to all questions relevant to the matters concerning the

subpoenaed documents and the alleged unfair labor practices, until they are released from compliance with the subpoena.

Dated: June 14, 2016

National Labor Relations Board  
By: Richard E. Griffin, Jr., General Counsel  
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Certificate of Service

I hereby certify that on June 14, 2016, the foregoing was filed with the Clerk of the Court using the CM/ECF system. The CM/ECF system will serve notice of filing upon all parties registered to receive service via this system.

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